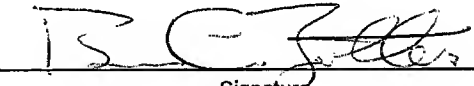


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Attorney Docket Number  07040.0273-00000	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____		Application Number  10/589,558	Filed  May 15, 2007
		First Named Inventor  Renato CARETTA et al.	
		Art Unit  3617	Examiner  Jason R. Bellinger
<p>Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire right, title and interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.</p> <p><input checked="" type="checkbox"/> attorney or agent of record Registration number <u>27,680</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <div style="text-align: right; margin-top: 20px;"> _____ Signature  _____ Bruce C. Zotter Typed or printed name  _____ 202-408-4000 Telephone number  _____ December 7, 2011 Date</div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

☒ \*Total of 1 form is submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313 1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Renato CARETTA et al.	)	Group Art Unit: 3617
	)	
Application No.: 10/589,558	)	Examiner: Jason R. BELLINGER
	)	
Filed: May 15, 2007	)	Confirmation No.: 8208
	)	
For: WHEEL HAVING TEMPERATURE	)	
COMPENSATED AND	)	
CONTROLLED PRESSURE	)	

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Applicants request a pre-appeal brief review of this application. Claims 54-136 remain pending. Of these claims, claims 54, 76, 107, and 133-136 are independent. For the following reasons, Applicants request withdrawal of the outstanding rejection.

**35 U.S.C. § 103(a) Rejection Based on *Rheinhardt* in view of *Vaughn* and *Alonso***

Claims 54-136 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rheinhardt* (U.S. Patent No. 6,601,625) in view of *Vaughn* (U.S. Patent No. 1,993,814), and further in view of *Alonso et al.* (U.S. Patent No. 6,533,010). For the following reasons, this rejection should be withdrawn as *Rheinhardt*, *Vaughn*, and *Alonso* fail to teach or suggest each and every element recited in independent claims 54, 76, 107, and 133-136.

In particular, independent claim 54, and similarly independent claims 76, 107, and 133-136, recites a method of controlling an inner pressure of a tyre mounted on a rim, said method comprising the steps of: “bringing the inner volume of said tyre into communication with said tank when the pressure of the inner volume of said tyre is lower than said operating pressure, by means of at least one mechanical valve, the at least one mechanical valve including . . . an elastic element . . . , the elastic element . . . being operatively associated with at least one non-deformable closure member designed to open and close at least one port in said valve” (emphases added).

*Rheinhardt* appears to disclose a wheel with a compressed air tank apparatus 1, including a high pressure reservoir 30 mounted on a rim 5 over which a tire 10 having an air chamber 10A is mounted. (*Rheinhardt*, col. 2, ll. 21-26). As shown in FIG. 1, *Rheinhardt* also teaches that apparatus 1 includes an air inlet valve 20, an air regulator valve 40, a pressure activated air release valve 50, and a pressure activated air release valve 60. (*Id.* at col. 2, ll. 33-37). Further, *Rheinhardt* teaches that air regulator valve 40 includes a mechanical activation means that when activated, transfers air from high pressure reservoir 30 into chamber 10A of tire 10 when the pressure in air chamber 10A drops below a pre-selected pressure activation threshold. (*Id.* at col. 2, ll. 56-62).

As admitted by the Examiner, “*Rheinhardt*, however, does not disclose the valve having an elastic element therein with an elastic constant that varies with temperature.” (*Final Office Action*, p. 2, para. 2). *Rheinhardt* also fails to teach or suggest a method of controlling an inner pressure of a tyre mounted on a rim, said method comprising the steps of: “bringing the inner volume of said tyre into communication with said tank when

the pressure of the inner volume of said tyre is lower than said operating pressure, by means of at least one mechanical valve, the at least one mechanical valve including . . . an elastic element . . . , the elastic element . . . being operatively associated with at least one non-deformable closure member designed to open and close at least one port in said valve" (emphases added), as recited in independent claim 54, and similarly independent claims 76, 107, and 133-136.

In order to cure the deficiencies of *Rheinhardt*, the Examiner relies on *Vaughn* and asserts that "Vaughn teaches the use of a valve including two concentrically arranged springs (7 and 20), wherein spring 7 is an elastic element responsive to temperature . . . The elastic element spring 7 is operatively associated with at least one non-deformable closure member 5 designed to open and close at least one port 2 in the valve." (*Final Office Action*, p. 2, para. 2). Applicants respectfully disagree.

*Vaughn* appears to disclose a thermostatic valve including an expansible and collapsible thermostatic bellows 7, where a rise in temperature will cause bellows 7 to expand and a fall in temperature will cause bellows 7 to contract. See *Vaughn* at page 1, column 2, lines 1 and 19-21; and FIGS. 1 and 3. *Vaughn* teaches that inflation and deflation of bellows 7 closes and opens the valve. *Id.* at page 2, column 1, lines 22-38; and FIGS. 1 and 3.

The "valve seat 5," which the Examiner equates to the claimed "non-deformable closure member," however, does not open and close the "inlet 2," which the Examiner equates to the claimed "at least one port," of the "valve body 1". The "valve seat 5" is merely an annular raised portion that surrounds a valve opening of the "partition 4." (*Vaughn*, p. 1, ll. 42-45). Rather, *Vaughn* discloses that the "snap disk" or "valve

member 16,” which the Examiner equates to the claimed “diaphragm,” opens and closes the “inlet 2.” For example, *Vaughn* discloses on page 2, lines 27-38 that

[w]hen the upward pressure is sufficient to overcome the downward pressure exerted by the spring and the resistance offered by the snap disk, the disk will snap into a reverse form and close the valve as illustrated in Fig. 3. When the temperature drops the pressure within the bellows will be reduced. When the downward pressure exerted by the spring 20 is sufficient to overcome the upward pressure of the bellows and the resistance offered by the snap disk, the disk will snap back into its original position and open the valve.

Additionally, the other reference relied upon by the Examiner, *Alonso*, also does not cure the deficiencies of *Rheinhardt* and *Vaughn* above. The Examiner asserts that “Alonso et al teaches the use of a valve 70 including an elastic element whose elastic constant varies within a temperature range of -1 to +49 degrees C.” (*Final Office Action*, p. 3, ll. 9-10). Such teaching, even if present in *Alonso*, which Applicants do not necessarily concede, however, fails to teach or suggest, at least, a method of controlling an inner pressure of a tyre mounted on a rim, said method comprising the steps of: “bringing the inner volume of said tyre into communication with said tank when the pressure of the inner volume of said tyre is lower than said operating pressure, by means of at least one mechanical valve, the at least one mechanical valve including . . . an elastic element . . . , the elastic element . . . being operatively associated with at least one non-deformable closure member designed to open and close at least one port in said valve” (emphases added), as recited in independent claim 54, and similarly independent claims 76, 107, and 133-136. The Final Office Action does not allege otherwise.


Since *Vaughn*, and *Alonso* fail to overcome the above noted shortcomings of *Rheinhardt*, and no reason has been clearly articulated as to why the claims would have been obvious to one of ordinary skill in view of the prior art, a *prima facie* case of obviousness has not been established for independent claims 54, 76, 107, and 133-136. Accordingly, independent claims 54, 76, 107, and 133-136, and claims 55-75, 77-106, and 108-132 which correspondingly depend from independent claims 54, 76, and 107, are patentable over *Rheinhardt*, *Vaughn*, and *Alonso*.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 7, 2011

By:   
Bruce C. Zotter  
Reg. No. 27,680